

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 14-17 are pending in the present application, Claims 14-17 having been amended. Claims 14-17 are amended to more clearly describe and distinctly claim the subject matter regarded by Applicants as the invention. Applicants respectfully submit that support for the amendments to Claims 14-17 is self-evident from the disclosure as originally filed. Thus, no new matter is added.

In the outstanding Office Action, Claim 14 was rejected under 35 U.S.C. §101 as directed to non-statutory subject matter; and Claims 14-17 were provisionally rejected under nonstatutory obviousness-type double patenting as unpatentable over the claims of copending Application Serial Nos. 10/801,699, 10/801,700, 10/801,835, 10/801,862; 10/801,863, 10/801,865, 10/801,701 10/801,678, and 10/802,004.

With respect to the rejection of Claim 14 under 35 U.S.C. § 101, that rejection is respectfully traversed. Claim 14 is amended to recite the recording/reproducing apparatus, in accordance with the control information, accesses the video object data. Accordingly, it is respectfully requested that this rejection be withdrawn.

MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP § 2106 provides,

a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Thus, based on the clear language of this section, Claim 14 is statutory as it defines a functionality of which is realized based on the interrelationship of the structure to the medium and recited hardware components.

Further, should the Examiner disagree with the above passage, MPEP § 2106 also states that,

Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully submit, as noted above, that the rejection under 35 U.S.C. §101 should be withdrawn. However, if the rejection under U.S.C. §101 is to be maintained, applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP §2106.

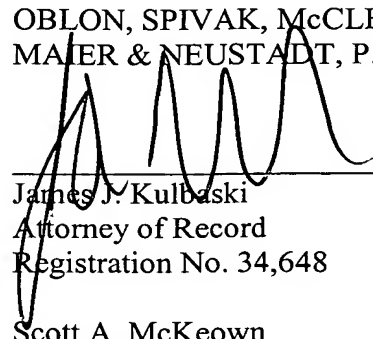
With respect to the provisional obviousness-type double patenting rejection, a terminal disclaimer is filed herewith.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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